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**Board Meeting – February 25, 2013**

**21<sup>st</sup> Floor – Conference Room 1**

**Present Board Members:**

- Walter White, Executive Office of Public Safety Designee, Chair (WW)
- Myra Berloff, Massachusetts Office on Disability (MB)
- Mark Trivett, Member (MT)
- and
- Thomas Hopkins, Executive Director (TH)
- Kate Sutton, Program Coordinator/Clerk for Proceedings (KS)

**Members Not Present:**

- Raymond Glazier, Executive Office on Elder Affairs Designee (RG)
- Diane McLeod, Vice Chair (DM)
- Carol Steinberg, Member (CS)
- Andrew Bedar, Member (AB)
- Gerald LeBlanc, Member (GL)

The Meeting was called to order at 9:15 a.m.

- 1) **Incoming Discussion:** Longmeadow High School, 95 Grassy Gutter Rd., Longmeadow (V12-301)  
TH - EXHIBIT – amended policy submittal

MT - accept

MB - second - carries

- 2) **Incoming Discussion:** Hancock Congressional Church, 1912 Mass. Ave., Lexington (V12-173)

TH - EXHIBIT – submittal for change to order

- asking for a time variance to install an incline lift at the stage, seek till 10/1/16 to install

*MB - grant as proposed on the condition that a written policy for use is in place*

*MT - second – carries*

TH - originally proposing single use toilet rooms at each floor

- proposed first floor is 60” x 125 <sup>3</sup>/<sub>4</sub>”, not the required 72” x 90”

*MT - grant*

*MB - second - carries*

3) Incoming: Winter St. Bridge, Winter St. South and Waverly St., Framingham (V13-029)

TH - EXHIBIT – variance application

- replacement of bridge over the railroad
- sidewalks need to be maintained at 6 and 7.5% to meet the existing grades
- proposing double height handrails at one side of the sidewalk along the length of the sidewalk

*MB - grant as proposed*

*MT - second – carries*

4) Incoming: Two-story Commercial Building (Yoga Studio), 1052-1054 Beacon St., Brookline (V13-034)

TH - EXHIBIT – variance application

- proposing two-story yoga studio
- seeking variance for lack of access to the lower level (garden level)
- the two plans submitted show that of the two proposed toilet rooms at each floor, one does not comply

*MB - continue to have the Petitioners submit compliant drawings for the toilet rooms, and a policy that assures that the same usage at both floors, plan for usage at both levels*

TH - submittal about policy will be overflow only

*MB - still need to continue for more information*

*MT - second – carries*

5) Incoming: Gristmill, 390 Fall River Avenue, Seekonk (V13-035)

TH - EXHIBIT – variance application

- building burnt down
- one-story restaurant with basement storage and restrooms
- rebuilding building
- seeking a variance for the lack of access to the basement (521 CMR 28.1)
- putting two single user toilet rooms at the first floor (521 CMR 30.2)

*MB - grant both, as proposed*

*MT - second – carries*

6) Incoming: Concord Townhouse, 22 Monument Sq., Concord (V13-041)

TH - EXHIBIT – variance application

- two-story historic structure that houses town office and has meeting space
- spending over 30%

- ***Raymond Glazier, Executive Office on Elder Affairs Designee (RG), Now Present -***

TH - historic front entrance

*MB - grant as proposed*

*MT - second – carries*

7) Incoming: LaSalle College, Woodland Dorm, 216 Woodland Rd., Newton (V13-039)

TH - EXHIBIT – variance application

- variance for 8.7, regarding corridor side of the doors at 68 dorm rooms
- renovation is over 30%
- building will have 74 dorm rooms, 6 (8%) will be accessible
- clear width of 29 ½ inches at the doors in question (26.5)
- everything else won't comply

*MB - continue, to review alternate door hinges to create a wider clearance at the door*

*MT - second - carries*

8) Incoming: 792 Beacon St., Newton (V13-038)

TH - EXHIBIT – variance application

- existing two-story building with two commercial tenants, two separate entrances
- installation of stair and vertical wheelchair lift
- variance for 26.6.3a, for pull side clearance at upper level entrance to the lift; and 26.6.3c, for lack of pull side clearance at the lower level entrance to the lift
- could just put auto opener on the lift

*MB - grant, on the condition that automatic door openers are installed at both levels*

*RG - second – carries*

9) Incoming: Town Hall, 1 Main St., Upton (V13-040)

TH - EXHIBIT – variance application

- full interior renovation for access to all floors, and access upgrades
- spending over 30%

- seek 4 variances
- two letters of support, one from building department and one from disability commission
- 1<sup>st</sup> is for 521 CMR 20.9

*MB - grant as proposed*

*RG - second – carries*

TH - second variance is for 23.3.1, regarding location of accessible parking spaces

*MT - parking plan is fine, no jurisdiction based on number*

*MB - second – carries*

TH - entrance relief

- main entrance and one side entrance
- historic entrance at the front, emergency egress only at the side entrance
- stairs at exterior and interior

- ***Carol Steinberg, Member (CS), Now Present*** -

*MB - grant*

*RG - second – carries*

TH - last variance is regarding accessible seating

- put a glass wall with a sliding door, seeking variance to not make the stepped seating comply at the second floor

*MT - grant*

*RG - second*

CS - how do people participate?

- at the first and second floors

*MB - grant as proposed*

*MT - Second – carries with CS abstaining*

10) Incoming: Speedwalk Restaurant, 47 Main St., Plymouth (V13-030)

TH - renovation of ground floor restaurant, all new interior accessible elements

- over 30%
- seeking relief to 25.1, for entry, 30 inch grade change; at one of the two entrances
- side entrance has two steps down into the restaurant
- front entrance is accessible

*MB - grant as proposed*

*RG - second – carries*

TH - second variance is regarding 26.6.1, regarding relief for the level landing at the main entrance  
- proposing automatic door opener

*MB - grant as proposed*

*CS - second – carries*

11) Incoming Discussion: Old State Mutual Building, 240 Main St., Worcester (V12-316)

TH - EXHIBIT – new submittal

- ***Gerald LeBlanc, Member (GL), Now Present*** -

CS - like the proposal for the first floor conference room for the Sherriff's Office, but what about access to the upper floors

- existing elevator doesn't comply
- a LULA to one of the retail spaces

TH - it would bust the project, and the space that it would take up would make the tenant spaces infeasible

CS - why not a LULA just to the third floor

TH - only 1600 square feet of space

CS - where is the explanation about one LULA?

MB - don't have a plan for what offices is upstairs  
- to be able to use conference space at the first floor  
- could be court related offices at the upper floors  
- first floor conference room available to upper level tenants

TH - accessible conference room at the first floor

CS - only for the Sheriff's Office

WW - security issue to have the upper level tenants utilize the first floor conference room

TH - LULA would only be able to be in an area within the sheriff's space

MB - LULA wouldn't work because of space

*MT - grant as proposed*

*- no second*

TH - elevator installed

*MT - grant as proposed*

*MB - second*

*- carries with CS opposed and GL abstained*

12) Incoming: Watertown Muse, 555 Pleasant St., Watertown (V13-036)

TH - EXHIBIT – variance application

- variance for sink depths

*MB - grant on the condition that policy in place about accessible sink being provided at the request of the tenant at no cost to the tenant*

*MB - second – carries (with MT as chair, WW not present)*

***- Myra Berloff no longer present –***

13) Incoming: Chestnut Hill Plaza, 1244 Boylston St., Chestnut Hill (V13-019)

TH - EXHIBIT – variance application

- variance submitted after elevator inspector cited a violation of 521 CMR

- no jurisdiction to proceed, because wall was not new, just resurfaced, interferes with 18” to the buttons

*MT - no jurisdiction*

*GL - second – carries*

14) Incoming Discussion: One Thong Chai, 12 Post Office Ave., Andover (V13-013)

TH - EXHIBIT – variance application and new documents submitted

- new restaurant in old restaurant space

- appeared to be over 30% of the value of the space

- turns out that the tenant is spending 80% of the value of their space, so full compliance required

- 4-5 steps to get into the restaurant

- front of the building has 3-4 steps up to it

WW - how many seats?

TH - unsure

TH - proposed sidewalk level menu and buzzer

CS - can't get in the backdoor anyways

TH - may be an easement language issue as well to utilize the alley between the two buildings

CS - entrance ramp at the front

TH - on the sidewalk

*MT - grant as proposed with all the accommodation features provided*

*CS - second – carries*

15) Incoming: Demoula's Supermarket, 1265 Main St., Waltham (V13-027)

TH - EXHIBIT – variance application

- seeking variance to use LULA to access the mezzanine level

16) Incoming: Demoula's Supermarket, 1265 Main St., Waltham (V13-027) – Cont'd

TH - EXHIBIT – variance application

- 970 sq. ft. mezzanine, proposed LULA

*CS - grant as proposed*

*RG - second – carries with GL abstaining*

17) Incoming: Demoula's Supermarket, 1200 Newport St., South Attleboro (V13-031)

TH - EXHIBIT – variance application

- proposing LULA to mezzanine level

*CS - grant as proposed*

*MT - second – carries*

18) Incoming Discussion: Market Basket, Highland Commons, Hudson (V12-143)

TH - EXHIBIT – amendment to allow 18 sq ft LULA

- originally presented on 6/18/12

- when the notice of action was sent, cited 28.12.3 et al, but cab size was not compliant (18 sq feet provided, 15 square feet required)

*CS - grant as proposed*

*RG - second - carries*

19) Incoming: MBTA Dudley Station, 14 Ziegler St., Roxbury (V13-032)

TH - EXHIBIT – variance application

- renovation project

- renovating platform

- construction has started

- proposing to remove brick and replace with concrete

- seek variance to ramp width, 48" required, and proposing 44"

*MT* - grant as proposed

*CS* - second – carries

20) Incoming: Phi Beta Epsilon House, 400 Memorial Dr., Cambridge (V13-037)

TH - EXHIBIT – variance application

- 5-story fraternity house, built in 1916

- spending over 30%

- seeking 3 variances to 25.1, 26.1, 31.1

- Cambridge Commission opposes all of the requested variances

*CS* - schedule a hearing

*MT* - second – carries

21) Incoming: MBTA Charlie Card Store, Downtown Crossing, Boston (V13-033)

TH - EXHIBIT – variance application

- employee restrooms being renovated as much as technically feasible

- depth is less than 72"

- men's rooms in 59.25" deep, women's room is 52" deep

*CS* - based on documentation, indicating that employee only space, no jurisdiction

*GL* - second - carries

22) Discussion: Sidewalks and Curb Cuts at Mason St., Boston (C07-085)

TH - one of the Disability Policy Consortium's complaints

- scheduled a fine hearing for them to appear for failure to respond to the complaint notices

- submitted a letter from Commissioner of Public Works

- plans delivered to the office on Friday, 2/22/13

- seeking to have the fine hearing scheduled delayed

- proposing to do construction by 6/30/13

- may need some variances

- if variances not granted, then will remove existing curb cuts and just have people travel a little further down the street to the corner cross walk

CS - when is the fine hearing scheduled for?

KS - March 11, 2013

- would like to hear from people in the neighborhood

TH - need submittal of documentation

*CS* - grant request to continue the fine hearing, to allow the area to be fixed or variance relief submitted within 30 days receipt

*RG* - second – carries



23) Hearing: Montague Retreat Center, Main Building, 177 Ripley Rd., Montague (V12-265)

- WW - called to order at 11:05 a.m.  
- introduce the Board

William Jacobson, Owner (WJ) (corrected address is 177 not 117)

Elizabeth Jacobson, Owner (EJ)

David Jensen, Inspector of Buildings for Town of Montague (DJ)

Mark Dempsey, Compliance Officer from the Board (MD)

- WW - all sworn in  
- EXHIBIT 1- AAB1-71

- WJ - intend to install permanent assistive listening system in the Great Hall  
- parking spaces, have 50, propose two accessible spaces

- WW - understand that will comply with a lot of the requirements, but where are variances requested

- WJ - no accommodations  
- large area  
- seeking permission to do a number of events at the property  
- got permissions to do cooperate retreats, private functions (weddings), and other public events  
- seeking variance for the lack of access to three floors  
- renting the facility to groups  
- seeking a variance to install vertical wheelchair lift or LULA, but seeking variance for the lack of access to the mezzanine level

- EJ - seeking to install LULA or Lift

- WJ - seeking variance to not install lift at this point in time, and will put a lift in when see a need for it  
- several other issues with bathrooms, some door swings, door clearances,  
- two levels of fire stairwell, lower level to main level, handrails at both sides; main level to upper level, handrail on one side and wood rail at the other side; main level to great hall, handrail at one side and wood rail at the other side

- MD - Site visit done on January 15, 2013  
- there is an existing shaft from lower level to first level  
- when you approach the building you are at the second level  
- pictures on AAB6, can see that there is a step at the rear of the building  
- AAB5, retaining wall  
- kitchen at lower level  
- main floor is large wide-open space  
- L-shaped building, generally office space at the upper levels

- WJ - proposal is to make second floor bedrooms and bathrooms

- WW - bedrooms at the second floor without access  
WJ - yes, no access to those bedrooms, ten bedrooms at each level  
- toilet facilities at both levels and bathing rooms, one accessible shower and toilet at each level
- GL - where would a wedding be held  
WJ - main level, large balcony at the main level as well
- WJ - initially wanted to provide a LULA, but price was too high, existing shaft was not large enough  
- would have required refiguring both the lower and main level hallway
- GL - plans show a LULA  
WJ - Option 1 shows a LULA  
- Option 2 shows two lifts
- DJ -two building abutted together  
- three floors, main level, basement, and upper floor  
- mezzanine is at the same level as the residential level
- WJ - two levels of residences, in the wing  
- the lower level in that wing is the kitchen  
- it is essential to provide access between the main level and lower level, but not the main to the upper level based on the fact that just additional storage at the upper level
- MT - when would a lift be proposed  
WJ - if there is a need for the lift  
- for example that if a concert was held and the overflow area was standing room only at the mezzanine where dancing could happen; would want to create access to the mezzanine  
- excessive cost with very little benefit at this time
- WW - cost for the vertical access  
WJ - \$25,000 for each lift, plus maintenance costs
- DJ - old barn with all of the beams exposed  
- the ceiling level below forced the ceiling height at the mezzanine level to be less than required  
- mezzanine, although two bays long, for practical purposes is only one bay long  
- stair was added late in the project  
- mezzanine is not a necessary space
- WJ - nonetheless, have to traverse thru mezzanine for egress
- CS - AAB5, access to each entrance  
- lower level is kitchen?  
WJ - and dining hall

- do members of the public use the kitchen, no but would use the dining hall

WJ - proposing to install lift to lower level, to be placed in the existing shaft, and proposing to do that now

WJ - no access to mezzanine currently  
- same level as the balcony at the upper level of the mezzanine

CS - what is the proposal to create access to the mezzanine?  
- how big is it?

WJ - 45' by 15' of usable space  
- there is room for dancing at the first floor level

WJ - only things that are done at the main level can be done at the main level as overflow  
- not need the lift at this point based on usage

WW - business plan is to not use the mezzanine

WJ - yes, plan is to not use it for anything other than overflow use when needed

MD - AAB33, shows existing mezzanine space  
- low hanging beam under 80"

CS - any language about usage for potential renters  
WJ - yes will propose rental language in writing

DJ - personal opinion that the 3-floor LULA would compromise the usability of the space  
- the access to the lower level via the one lift is more feasible

GL - plan AAB32, three stairs at the entrance

CS - steps at one entrance  
WJ - exit only  
KS - emergency exit only?  
WW - no entrance?  
WJ - yes, but could put a screened in porch at this doorway in the future  
- but for now leaving it as emergency egress only

CS - *grant as proposed, with the understanding that there will be a lift from the main level to the lower level, on the condition that the same services provided at the main level as on the third level; and written language be in the rental contract about no different usage of second level; have the contract language for rental agreement be submitted*

MT - second –

CS - *sample contract language submitted to the Board within 30 days receipt*  
- carries

WW - handrail issues?

WJ - only a grab bar at one side (AAB5, picture 8), but could provide compliant interior handrail

MD - simple fix to add the rail?

WW - would in encroach on the egress width

DJ - no

- would like the handrail at both times

WJ - yes, and will add an additional handrail at the other stair run

KS - appears to be a lot more variance requested

MD - AAB 3 shows accessible entrance

CS - picture of deck?

MD - AAB10, very small deck

WJ - intention is to provide an accessible means of egress, but want to put the traffic circle in first outside of the door since it will raise the grade adjacent to this entrance

- this work can be done by September 2013, but summer of 2014 at the latest

CS - landing at stairs

MT - deck can be used as area of rescue assistance

KS - area of refuge not required under the exception, but definitely a safety issue

MT - yes, agreed

CS - *grant a time variance to September 1, 2014 to create secondary accessible egress off of the Great Hall at the main level (Exit 3)*

GL - *second – carries*

KS - vestibule clearance

MD - shown on AAB17

KS - variance required for 26.7, clear width between doors in a series

CS - how wide are the leafs of each doorway

- what about auto-openers for both?

KS - clear width at the doors

CS - *grant the variance for 521 CMR 26.7*

MT - *second – carries*

WJ - two doors to the stair, propose to maintain door as is out into vestibule

CS - *no variance required for Section 2 of AAB12 (26, doors at the main level), since door is proposed to be removed*

RG - *second – carries*

WW - Upper level pull side clearance door

WJ - door next to the low beam\

KS - AAB18, near lift location (not proposed)

DJ - near the beam

CS - *grant as proposed*

MT - *second – carries*

CS - *no variance required, based on the statement that a compliant interior handrail will be provided*

MT - *second - carries*

24) Hearing: Peabody Institute Library, 82 Main Street, Peabody (V12-314)

WW - called to order at 1:05 p.m.

- introduce the Board

Imelda Barnhurst, Gienapp Design (IB)

Dale Gienapp, Gienapp Design (DG)

Adam Buckley, Assistant City Solicitor for Peabody (AB)

Louis Karamas, City of Peabody Project Manager (LK)

WW - all sworn in

- EXHIBIT 1 – AAB1-35

TH - going to have Tom Muxie participate by phone

Tom Muxie (TM)

WW - TM sworn in

DG - have the drawings that were submitted (on boards)

- overview of the whole building

- IB
- went thru the building due to 30% trigger
  - identified 83 items that did not comply, with the consultation of Deborah Ryan Associates
  - building is along Main Street, with 18 parking spots belonging to the library, and a municipal parking lot down the street
  - there are currently accessible spaces at the municipal lot, but not at the adjacent library lot
  - entrance typically thru the children's room at the basement level, or thru courtyard first floor entrance

- WW
- aerial photograph not in packet
- DG
- can send to the Board

- DG
- grade slopes a great deal, and the municipal lot spaces are a story lower than the other parking lot on main street

- IB
- original building (1850s), 1866 addition, then 1977 addition
  - original building and 1866 addition is full basement, first thru third floor
  - 1977 addition has a basement and sub basement that are not connected, all other levels are connected

- DG
- at the upper floors, the buildings connect thru the stairwell

- DG
- lower level entrance, general main entrance
  - parking adjacent to the lower level entrance with accessible parking spaces proposed
  - enter the building next to the elevator
  - the majority of the lower level is staff and storage area
  - up one floor, to the main level of the library, connects to accessible street level entrance
  - accesses main reading room, Trustee's Room, young adult area
  - at the second floor, reading stacks, and the Sutton Room (closed to the public, unless accessed with staff); and teen center
  - 1977 addition created third floor, to connect to partial mezzanine of the older building
  - recently HVAC upgrades, and failed truss, so the thrust of the project was to replace the ceiling; all work well over 30% threshold
  - main body of the work is at the roof of the third
  - the rest of the work is accessibility driven
  - the elevator also takes you down to the sub grade level where a meeting area is located

- IB
- yellow in the plans that didn't comply that they were fixing, green was partial compliance, but variances still needed; and blue is full variance requested

- IB
- first variance is for the original buildings main entrance
  - leads directly into the main reading area
  - people typically go to West parking lot and enter the accessible entrance

- WW
- cost of compliance?

IB - portico would need to be renovated as well

DG - it is historic, \$1-200,000.00 to add ramp

GL - would like to see directional signage at the front directing to the accessible entrance

CS - distance from front entrance to accessible entrance seems significant

TM - distance from main entrance to the accessible ramp?

CS - yes

DG - around 150 feet

CS - concerned with distance

- who uses that entrance?

DG - there are some spaces along the other side of the building, that mostly get taken by staff, but not exclusively

- no clear traffic route

- don't want to put an accessible parking space at the existing side lot at the upper level

- there will be an accessible on-street space

CS - is there foot traffic?

TM - as a wheelchair user, the distance from the main entrance to the ramp start is more of a distance

- but not a big problem

CS - don't have problem with the entrance as proposed?

TM - no

CS - manual or power chair user?

TM - manual

RG - one single railing at the steps

DG - yes, but proposing to place a second railing

*MT - grant the variance for 25.1/20.1, yes on the condition of directional signage*

*CS - second – carries*

IB - now proposing two handrails at the front entrance exterior stairs

*CS - no variance required for the handrails at the exterior front steps, based on the testimony that two compliant handrails will be provided*

*MT - second – carries*

- IB - ramps at the courtyard  
- both of the ramps are part of the concrete courtyard  
- with handrails at the ramps, only have 42" clear, not the required 48"  
- top of straight run ramp has a slope of 9.57%, instead of the required 8.3%

CS - *grant the variance for the clear width between the ramp handrails*

MT - *second – carries*

MT - *grant the lack of compliant slope at the top of the straight run ramp*

CS - *second – carries*

- IB - 1977 addition to original building, at the stairwell, made the landing slope up to the door at the second and third floor  
- at second floor, slopes 10.2% and at the third floor slopes 5.8%  
- seeking variance for both

- DG - the ramp portion of the landing goes from the edge of the door but only for about 30"  
- proposing to put automatic door openers at the doors in question  
- ILC also proposed tactile warning strip for visually impaired, which they have agreed to do  
- the handrails do not comply; will be brought into full compliance

- TM - question about the location of tactile warnings?  
- one at the top of the stairs and one at the doorway

- DG - that would be fine, can install at two locations

MT - *grant the slopes, on the condition that automatic openers provided and that tactile warnings at the beginning of the slope and the top of the stairs*

CS - *second – carries*

- IB - the Sutton Room door, into the rare book area  
- in order to access this room, have to be escorted by an employee  
- 3/4" threshold at the doorway, beveling is 1:1, not 2:1  
- ILC had proposed sloped rubber threshold if requested  
- petitioners are willing to have rubber threshold available

CS - *grant the variance on the condition that the proposed rubber threshold is made available*

MT - *second – carries*

- IB - seeking a variance for the first floor unisex toilet room  
- rim of the sink is at 34 3/4"

MT - *grant*

CS - *second – carries*



IB - handrails at the back stairs, Stair #2  
- inner handrail is not continuous  
- height is at 33" instead of 34"  
- at Stair #3, inner handrail is not continuous, at 33"  
- outer handrail at Stair #3, is the same pipe rail system  
- originally planning to make it comply, but since it is part of the stairway, would like to maintain outer wall handrail

DG - Stair #2, has center guard/rail combo  
- outside is all wall mounted rails  
- for Stair #2, propose to maintain interior handrails and install compliant wall mounted walls

CS - *grant on Stair #2, on the condition compliant wall side handrails as proposed*  
MT - *second – carries*

DG - Stair #3, the stair is slightly smaller  
- instead of wall mounted rail, it is free-standing  
- also used differently than Stair #2  
- alarmed at all floors, not used a communicating stairs, except by employees  
- seeking to maintain stair handrails as is

CS - *grant variance for lack of fully compliant handrails at Stair #3*  
MT - *second – carries*

TM - reconnected

IB - Item #28, are moving the door

CS - *no variance required for the lack of pull side clearance at the second floor men's room, since Petitioners propose to bring the door into compliance*  
MT - *second – carries*

WW - letter from ILC requests that the power switch for auto-openers be put on timers, instead of turning the openers on and off

DG - have not yet addressed this issue yet, since there is currently a very small vestibule with operators  
- will extend the vestibule, so the new operators will not be required, but will be provided as a convenience

TH - tie the power to the lights of the building

LC - lights are on a sensor now

DG - are going to put a power assist on the main entrance for convenience of visitors

CS - teen center, clarification  
KS - already clarified

TM - dropped the call before the sink variance, did support that variance  
- would like to see pending the evaluation of the elevator  
- currently the way the door is situated does not meet the regulations, but the City is waiting for an evaluation of the elevator car by the elevator company  
- if the door is moved to one side, then the car will be compliant, but if left at the center of the car then not compliant  
- would like to see the elevator cab entrance door be revisited

DG - elevator work is outside of their contract, contract with the elevator company  
- understand that if it will not comply then they will seek variance from the Board

TH - application can be amended if need be

CS - *have the Petitioners submit verification of compliance at the elevator or an amendment*  
MT - *second - carries*

**- Myra Berloff (MB) now present –**

25) Hearing: Cadman White Handy House Museum, 202 Hicks Ridge Road, Westport (V13-009)

WW - called to order at 2:05 p.m.  
- introduce the Board

Christopher Wise, CW Handy House, Facilities Committee (CW)

Elaine Ostroff, Westport Commission on Disability (EO)

Betty Slade, Westport Historical Society (BS)

Ed Howe, Westport Historical Society (EH)

WW - all sworn in  
- EXHIBIT 1- AAB1-131

MB - go on the record that knows EO, but will not influence the decision of the Board  
- no objection to MB sitting

CS - also knows EO, but will be impartial  
RG - me too  
- no objection to CS or RG as well

- CW - seeking for variances within the building for widths of existing doors, threshold heights, door hardware, and vertical access
- there will be two accessible entrances into the building, and can view the other rooms, even though not accessible based on door widths
  - the door widths range from 28-29 inches
  - hardware is historic thumb latches and small rim locks with knobs, variance is requested based on cost vs. benefit and the historic nature
  - vertical access is both an exc. cost without benefit and cost of loss of historic fabric and floor plan of the building
  - intend to mitigate the variances requested, by providing extensive video of the property to see the areas that are inaccessible
  - Room 102, exterior door, will be accessible and the principle entrance to the building, with graded pathway leading up to it
  - Room 109 exterior door is already 36" wide with 32" clear
  - by getting people into Rooms 102 and 109, can see the other rooms from these two main rooms
  - doors between the first floor rooms is on average 29" with a historic door and trim, would have to do significant work to make these doorways comply
  - typical of the rest of the doors in the building
- BS - there is a breakdown of doors and their measurements
- WW - cost per door?  
CW - \$2,000 per door
- WW - how many doors in total?  
CW - 8 doors at the first floor
- MB - page for dimensions of the doorway  
BS - AAB38 and 40
- MB - looked into the installation of off-set hinges  
CW - have considered that, and that is how access thru the door at the exterior was provided
- but the issue is the clear openings, which is 28-29", even with off-set hinges
  - would also cost to replace the hinges
- MB - but the clear openings were measured without taking in the doors themselves  
CW - 28-29" clear opening
- even if door not included, then only 29" clear
- MB - need to know if the measured opening with or without the doors  
CW - BS measured the jambs
- MB - 27" clear with the door

- CW - some of the doors are capable to be open 180 degrees, but still only provides 29"
- MB - Room 102 has multiple doors (not labeled)  
- 102E, 29", difference between getting into a room and not getting into a room
- CW - opens all the way, to provide the largest clear opening possible
- EH - AAB79 shows the hinges
- GL - \$2,000 per door, but what about money coming in
- BS - community preservation grant funds was how the building was purchased, \$40,000.00 per year budget  
- have tried to raise private funds to restore it
- GL - what do you charge?  
BS - no intention to pay to enter the building, currently not in use because of renovation work  
- hope to use the building as an example of architecture  
- no furnishing will be placed within the house; will not be a function space  
- no water or toilets on the property  
- just hoping to raise enough funds to rehab it and keep it
- CW - opening of any door 180 degrees, could provide clear opening stated within the packet to any of these rooms
- CS - 109B is 33" clear  
CW - that is the outside door  
- 107A is also 33" clear  
- uncomfortable with no access other than two rooms within the building, to see the entire adjacent rooms
- CS - any entrance that will not be accessible from the exterior?  
CW - yes, but will not be used by anyone, will be permanently closed
- MB - one of the exterior doors will have an exterior path of travel  
- where is the front of the building?  
CW - the Room 109 side  
- the principal entrance to the building will be Room 102 and will also be the principle meeting and gathering space for the building  
- site around the building is very flat
- CW - slopes at doorway thresholds will be less than 1:20
- MT - Mass. Historic is in favor of the variances requested

JO - if you can get to the door, can see into the other areas of the building, since two doors to look thru at some locations

TH - reminder about another case where newly built replica, and the intent of access to the second floor was primarily for architectural students, and as part of the condition of granted the lack of vertical access relief would be the movie of the property.

*MB - grant relief for the lack of compliant door widths, based on tech. infeasibility and historic nature of the building*

*MT - second*

*GL - on the condition that as proposed video done*

EH - it is their intention to do the video to show each room

*-carries with GL and CS opposed*

CW - thresholds, personal opinion that some of the thresholds could be modified without any historic loss  
- need to do research about the thresholds  
- could come back with a schedule for all the thresholds  
- will show the ones that can be modified

*MB - continue the discussion regarding the thresholds, to have the Petitioners submit additional information*

*BS - agree that can be done and can be done quickly*

*CW - can be done in 2 weeks*

*MB - have the study submitted by the 22 of March 2013*

*CS - second – carries*

MB - will the doors be left open all the time

CW - yes

*CS - grant for the door hardware, cost without benefit and historic nature*

*MB - second – carries*

CW - excessive cost and floor plan at second floor is similar, and for those that cannot access second floor, can provide visual presentation

CS - someone will be available to set up the proposed visual display

*MB - grant, due to tech. infeasibility and historic, on the condition that when the video is completed the Board is notified, and must be installed at the time of the opening of the building*

*CS - second – carries*

EO - the Commission is aware of the closed captioning, and described experience for those that are visually impaired  
- also proposing spoken tour that would be available to those that request it

26) Discussion: Meeting Minutes and Decision from February 11, 2013

KS - Worcester Decision

CS - add language to Worcester decision, as to why need

*MT - accept meetings and decisions with amendments from February 11, 2013*

*MB - second - carries*

*MT - accept the meeting minutes and decisions from January 28, 2013*

*MB - second – carries*

27) Hearing: Saltonstall House, 99 Bay State Rd., Boston (V13-002)

WW - called to order at 3:05 p.m.

- introduce the Board

Paul Hajian, Hajian Architects (PH)

David Hajian, Hajian Architects (DH)

WW - both sworn in

- EXHIBIT 1 – AAB1-38

PH - located at 99 Bay State Road

- built for Governor Saltonstall

- repairing masonry

- over 30% threshold

- able to look at bathroom and will complaint

- yellow is inaccessible, green is area of requested variances, grey is nonpublic, and blue is accessible

- 66% of bedrooms are accessible, closer to 80% of the building accessible

- under the Back Bay West Historic District, so worked with them

- the main entrance off of Bay State Road is the main entrance to the building, always been historically the entrance

- have received approval from the Historic Commission for this proposed project

WW - appreciate that went to the Historic Commission first

PH - alum of fraternity in question

- original from when the house was built, needs an upgrade

- phased over two-years

- system replacements

- PH - three steps into the main foyer  
- propose path of travel to first floor units and elevator
- CS - we don't have color-coded plan, need to know where the sheets are in the packet
- DH - AAB18  
- lift cab dimensions 30" x 47 ¾"  
- was able to get to 30" x 48"
- KS - 36" x 60" is required for a LULA
- PH - can only get you to the 3<sup>rd</sup> floor with elevator due to an existing structural beam that runs from party wall to party wall  
- falls directly adjacent to the elevator shaft  
- technically infeasible to expand elevator shaft, and removal would result in structural issues  
- Limited-use-limited-application proposed to be installed to access all 6 floors  
- Elevator Board suggested that they come before the Access Board first  
- this solution would provide the most access  
- reason that unable to install in the opposite direction is because of the two means of egress directly adjacent  
- 4<sup>th</sup> floor is where the steel beam issue arises
- MB - very tight space  
PH - yes, would have to go in straight or back in  
- LULA can be made to travel that distance, but will require variance for the travel distance from Elevator Board
- MB - can you get any more than 48"?  
PH - depth can be longer.  
- that would make a huge difference
- DH - since this currently filled with duct work and packed solid
- PH - also looked at trying to create the 48" x 48" minimum, but because of the stair, cannot get the additional 18 inches for the width  
- AAB30, side A, swing door that is pulled opened with powered accordion gate, and then either pull in directly or back in
- WW - where are the controls?  
PH - adjacent to the door at the interior
- PH - also looked at adding onto the building, but were discouraged from that by historic  
- shaft is clear, will try to make the cab as deep as possible

MB - 48" by 48" exception for existing shaft  
- really tough proposed dimensions  
- 30" is clear width at the door

PH - building department asked to update roof egress and new stairs, which also may impinge on creating more depth in the cab

*MB - continue the elevator discussion, to have the Petitioners test, making the cab dimensions larger, closer to 54", by March 22, 2013*

*MT - second – carries*

DH - width is locked, and the largest width at the door will be 30"  
- latch, 18" at the pull not available at the 5<sup>th</sup> and 6<sup>th</sup> floor

PH - AAB21 and 22

*MB - grant relief to the swing door on the elevator (lack of pull side clearance), on the condition that at the 4<sup>th</sup> and 5<sup>th</sup> floor, install auto-openers*

*MT - second –*

*MB - modify to auto-openers at all floors*

*MT - second – carries*

PH - handrails at egress stairs (main stair and interior stair well)

*MB - grant on the condition that compliant wall side at the front main stair*

*MT - second – carries*

*MB - grant for the interior stairwell for the lack of compliant handrails based on tech. infeasibility*

*MT - second – carries*

PH - ramp width, 42 ½" clear at the main level  
- second ramp has 41 ½"

*MB - grant both ramp widths*

*GL - second – carries*

PH - length of the ramp, can't make it an inch longer, ends at door to the stair  
- seeking variance for ramp slope of 1:11 instead of 1:12

*CS - variance for the slope at the second ramp, based on tech. infeasibility*

*MB - second – carries*

PH - clear floor at the Bath 105, rear grab bar does not meet length and clear floor area



CS - grant grab bar length for Bath 105

MT - second- carries

MB - grant clear floor space at the door to Bath 105 in Hall 106 (30" x 42" provided), based on tech. infeasibility

MT - second – carries

PH - withdrawing second floor variance

MB - no variance required based on testimony that bathroom 208 will comply

MT - second – carries

PH - AAB21, change in level at the front floor area of the fourth floor, due to beam  
- not enough space

KS - can't be variance for 3.3.2 of 521 CMR

MB - change in level, 521 CMR 29.2

CS - hall is just a hallway?

PH - yes, just to access the bathrooms, kids hang out in the bigger rooms

MB - grant the change in level at fourth floor (521 CMR 29.2), based tech. infeasible

MT - second – carries

PH - fifth floor change in level, similar to the fourth floor

CS - grant the change in level at the fifth floor (521 CMR 29.2), based on tech. infeasible

MT - second – carries

PH - new proposed means of egress behind the elevator

DH - door is 5 feet tall, with 18" step

KS - roof deck will not be accessible

DH - yes

PH - at the second floor (AAB19)

- reconfiguring 300 square feet of rubber roofing and creating accessible roof deck

- already received permission to remove one curved glass window to create access to the newly proposed roof deck

- some mechanical equipment in that area, which is why the reduced size to 300 square feet, upper roof deck is 570 square feet

CS - parties at the upper roof deck  
- lower is nice, but much more formal  
- picnic table at the roof deck

PH - deck elevation to 6<sup>th</sup> floor, 13'2"  
- wanted to try to extend LULA, but head house would go beyond roof line  
- much more informal dining room  
- 6<sup>th</sup> floor is used

CS - would like to know that the roof decks are both open and available at the same times  
PH - fair request

*MB - grant relief for the lack of access to the roof deck (28.1/20.1), based on tech. infeasibility, on the condition that policy from fraternity that when the occasional social event is held at the upper roof deck, have to have the social event available at both roof decks*

*CS - second –*

*MT - not 3.3.2, 28.1 or 20.1  
- carries*

*MB - submit written policy by March 22, 2013, needs to be registered with local registry of deeds within 60 days of the decision of the board*

*MT - second - carries*

**- NO MORE GL -**

28) Incoming: Dimici's Bakery, 41 Sutton St., Lynn (V13-025)

TH - EXHIBIT – variance application  
- central bakery for the owners  
- small bakery, retail and commercial space  
- over 30%  
- seeking a variance for two entrances, proposing central entrance  
- accessible toilet rooms that serve the retail bakery and the small restaurant  
- step at the two entrances

*MB - grant as proposed based on exc. cost without benefit*

*MT - second – carries*

*MB - when the restaurant is laid out....was going to say a hostess station, but very small space*

29) Incoming: Copley Group, 896 Beacon St., Boston (V13-028)

TH - EXHIBIT – variance application  
- proposing to renovate existing elevator that has been offline since the 1970's

- proposing alternate location for meeting space and toilet rooms

*MB - deny*

*MT - second – carries*

30) Incoming: Mixed Use Warehouse and Office Building, 460 Hillside Ave., Needham (V13-026)

TH - EXHIBIT – variance application

- proposing use of vertical wheelchair lift for vertical access
- think that they can use the lift by right due to the exceptions

*MB - grant as proposed*

*MT - second – carries*

31) Incoming: 595 Pawtucket Blvd., Lowell (V13-017)

TH - EXHIBIT - variance application

- building was constructed in 1990
- stairs are concrete infill on steel pans
- varying riser heights

*MB - grant relief from 521 27.2, but to tell the Petitioners that additional variances may be required from 780 CMR*

*MT - second – carries*

32) Discussion: Slattery Funeral Home, 40 Pleasant St., Marlborough (C10-078)

TH - scheduled site visit for Walter and Mark

- attorney sent pictures of the funeral home
- a lot of nice pictures
- very first picture showed violations
- bathroom pictures show violations
- so still worthy of site visit
- front entrance is not accessible
- doors at the front are too narrow

*MB - hold the site with two board members as well as compliance officer*

*RG - second – carries*

33) Advisory Opinion: Protruding Objects (Section 20.6)

TH - flag hanging on walls

*MB - 27"-80" is protruding*

*MB - page 1 in the path of travel*

*- page 2, not in the path of travel, because between planters*

*CS - if it is higher than 27" and lower than 80" and in the path of travel, hanging out more than 4" from the wall, is considered a protruding object per 20.6*

*RG - second – carries*

34) Advisory Opinion: RJA Associates, James McLaughlin, Courtyard Design

- TH - courtyard design  
- two sets of steps that come up to platform area  
- does the route have to be accessible

*MB - has to comply with the route requirements and change in level requirements*

*CS - second – carries*

35) Incoming: The Victor, 95 Haverhill St., Boston (V13-045)

- TH - EXHIBIT - variance application  
- new construction  
- garage parking provided for multiple dwelling  
- two variances for electrical outlets (9.5.6) location of the outlets in 75% of the units, both group 1 and group 2, due to limited amount of wall space, two outlets in the bedrooms are located 12” from the nearest interior corner

*MB - grant as proposed*

*MT - second – carries*

- TH - electrical panels under 9.5.7, requires that the controls be 36-48” to centerline, and 24” from interior corners  
- panel extends below 36” to 30” in four Group 2 units and located at 18” from interior corner;

*MB - grant relief for the four Group 2 units*

*MT - second – carries, with CS abstaining*

- TH - at 54 Group 1 units, panel is 9” from the interior corner  
- all have already been wired

*MB - grant based on tech. infeasibility as proposed*

*MT - second – carries*

36) Incoming: Somerville, three streets (Albion St., Harrison Ave., and Lindon Ave.) (V13-042, V13-042, and V13-044)

- TH - EXHIBIT – variance application  
- existing streets and sidewalks  
- streetscape project  
- propose accessible route with crossing the street  
- want to continue the cases

- CS - would like to know the traffic flow at the streets in question

*MT - continue all three for further information (more concise)*

*MB - second – carries*

37) Discussion: Isabella Stewart Gardner Museum, 25 Evans Way, Boston (C12-031, V12-189)

TH - final discussion regarding the proposed LULA

- new construction, complaint about vertical wheelchair lift installed instead of LULA or full elevator

CS - would like to see the lift

MB - maybe we need another site visit to the new building

*CS - board site visit and invite the complainant to appear*

*RG - second – carries*

38) Discussion: Canton Sports Plex, 5 Carver Circle, Canton (V12-209)

TH - at the hearing, wrote decision that they should submit plans

- continued all variance requests to have the petitioners submit updated detailed plans by January 15<sup>th</sup>

- door threshold issues

- letter accompanied plans

- no longer requesting a variance for access onto the rink, proposing level access

- renovate toilet, shower room and additional locker rooms at the first floor

- now only seeking variances for the mezzanine toilet and shower in the locker rooms at the mezzanine level

- mezzanine level and locker rooms are accessible, but toilet/shower not accessible, fully compliant public toilet rooms at the mezzanine level

- all teams are known in advance and assigned locker rooms

CS - same amount of space at both levels

*MB - grant as proposed*

*CS - second – carries*

- End of Meeting -